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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2012-8

13 **ANNE ASHLEY MALLOY**  
14 **aka ANNE ASHLEY KATZAKIAN**  
7515 Sheldon Rd., #22101  
Elk Grove, California 95758

**A C C U S A T I O N**

15 **Registered Nurse License No. 390909**

16 Respondent.

17  
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive  
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about August 31, 1985, the Board issued Registered Nurse License Number  
23 390909 to Anne Ashley Malloy, also known as Anne Ashley Katzakian ("Respondent"). The  
24 license was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on November 30, 2012, unless renewed.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board  
6 may renew an expired license at any time within eight years after the expiration.

### 7 STATUTORY PROVISIONS

8 5. Code section 2761 states, in pertinent part:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an  
10 application for a certificate or license for any of the following:

11 (a) Unprofessional conduct.

12 (f) Conviction of a felony or of any offense substantially related to the qualifications,  
13 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
14 conclusive evidence thereof."

15 6. Code section 2762 states, in pertinent part:

16 "In addition to other acts constituting unprofessional conduct within the meaning of this  
17 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
18 chapter to do the following:

19 (b) Use any controlled substance as defined in Division 10 (commencing with Section  
20 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
21 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
22 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
23 ability to conduct with safety to the public the practice authorized by his or her license.

24 (c) Be convicted of a criminal offense involving the prescription, consumption, or self-  
25 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
26 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
27 of this section, in which event the record of the conviction is conclusive evidence thereof."

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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Crime)**

8 8. Respondent is subject to discipline under Code section 2761(f), in that on or about  
9 July 7, 2010, in the case of *People v. Anne Ashley Malloy*, (Super. Ct. Sacramento County, Case  
10 No. 10T03433), Respondent was convicted by the Court on her plea of nolo contendere of  
11 violating Vehicle Code section 23152(b) (driving with a blood alcohol level of .08% or higher),  
12 with enhancements, Vehicle Code section 23578 (excessive blood alcohol level), and Vehicle  
13 Code section 23538(b)(2) (mandatory participation in an alcohol program). The crime is  
14 substantially related to the qualifications, functions or duties of a licensed registered nurse. The  
15 circumstances of the crime was that on or about May 21, 2010, Respondent drove a vehicle while  
16 having a blood alcohol level of 0.25% and was involved in a collision.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Dangerous Use of Alcohol)**

19 9. Respondent is subject to discipline under Code sections 2761(a), on the grounds of  
20 unprofessional conduct, as defined in Code section 2762(b), in that on or about May 21, 2010,  
21 Respondent used an alcoholic beverage to an extent or in a manner dangerous or injurious to  
22 herself and the public when she operated a vehicle with a blood alcohol level of 0.25%.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Conviction Involving the Consumption of Alcohol)**

25 10. Respondent is subject to discipline under Code section 2761(a), on the grounds of  
26 unprofessional conduct as defined in Code section 2762(c), in that on or about July 7, 2010,  
27 Respondent was convicted of a crime involving the consumption of alcohol, as more particularly  
28 set forth above in paragraph 8.

PRAYER

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 390909, issued to Anne Ashley Malloy, also known as Anne Ashley Katzakian;

2. Ordering Ashley Malloy, also known as Anne Ashley Katzakian, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: July 8, 2011

Louise R. Bailey  
LOUISE R. BAILEY, M.E.D., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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